

Remarks

Claims 19-31 are pending in this application. The Applicants have canceled claims 1-18 without prejudice.

The Office action dated February 2, 2006 ["Office action"], rejects claims 19-23 and claims 27-30 as being unpatentable over U.S. Patent No. 6,363,440 to Stepp et al. ["Stepp"] in further view of U.S. Patent No. 5,517,257 to Dunn et al. ["Dunn"]. The Office action also rejects claims 24-26 and claim 31 as being unpatentable over U.S. Patent No. 6,363,440 to Stepp in view of Dunn et al., in further view of U.S. patent No 6, 154,771 to Rangan, et al., [Rangan].

Applicants disagree with the rejections given and the Examiner's characterizations. Reconsideration of the application is respectfully requested in view of the following remarks.

1. Supplemental IDS

Applicants thank the Examiner for providing initialed Form 1449's for the Information Disclosure Statements [IDS's] filed on August 24, 2005, October 18, 2005, and December 21, 2005 in the application. Applicants also thank the Examiner for pointing out that six references were not available for viewing, in the IDS Filed October 2, 2001, and received by the USPTO on October 17, 2001. These six references were faxed to the Examiner on July 5, 2005 in a Supplemental IDS. However, the examiner has yet to sign off on them, an action we respectfully request. Furthermore, for convenience' sake, a copy of the form 1449 sent with the references is included with these remarks. Applicants respectfully request that the Examiner consider these references.

2. With the goal of reaching a shared understanding of the disclosure of Stepp, and Dunn, the Applicants respectfully makes the following observations.

A. Stepp

Stepp describes a system wherein a program received by a television is stored from the beginning of a program without requiring a viewer to start the recording. [See Stepp, 5:9-17.] Specifically, a starting point is identified in an oncoming signal triggering the start of recording. [See Stepp, 5:9-17.] If a viewer, after the program starts, wishes to watch the program from the beginning, then the storage device starts at the beginning of the program and displays it to the viewer. [Stepp, 5:61-65.] Here, there is no interaction between the given program and the

viewer, and a given program can only be recorded from the beginning point onward. [See Stepp, 5:9-17, FIG. 3.]

B. Dunn

The system described in Dunn allows a viewer to manipulate a video from a video-on-demand source using a remote-control like device. The remote control allows the viewer to pause the video at the head-end, and restart the video from the head-end. No recording of the video is performed. [See Dunn 3:8-13, 4:36-65.]

3. The cited art fails to teach or suggest several limitations in Claims 19, 22, and 23.

Claims 19, 22, and 23 are separately patentable as Stepp, Dunn, and Rangan, taken separately or in combination, fail to teach or suggest at least one limitation of each of amended claims 19, 22, and 23. Applicants respectfully submit the claims in their present form are allowable over the cited art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

Applicants respectfully submit that the art cited by the Office fails to teach or suggest the arrangement “receiving actuation of the delay control via the user interface, ... delaying display of the program; and compressing and saving the program to a circular buffer as it is received,” as claimed in claims 19, 22, and 23. These features are discussed in the application, for example, at pages 15 line 27 to page 16, line 7.

Applicants respectfully submit that a Stepp-Dunn combination fails to teach or suggest the recited arrangement. For example, the Office recites a series of passages in Stepp, to teach or suggest the above claim language, all of which discuss recording a video signal into a buffer or a recording storage device. These passages are listed below.

However, the amount of information capable of being stored in buffer 214 may have effectively increased by compressing the information signal prior to storage of the information in buffer 214. Standard video compression algorithms may be employed by processor 102 on the information signal such as a Motion Pictures Expert Group (MPEG) standard (e.g., MPEG-1, MPEG-2, MPEG-3, MPEG-4, etc.) Thus, the length of time of information signal

storage in buffer 214 may be increased by through (sic) compression routines. Buffer 214 may comprise buffer-pooling architecture utilizing a number of buffer storage locations or a circular buffer that is managed as a queue. [Stepp, 4:55-67.]

The video signal may be compressed at step 316 in order to increase the effective capacity of buffer 214 whereby the length of the video signal stored therein is increased. The video signal is then saved at step 318 in buffer 214 for later retrieval. A determination is made at step 320 whether recording of the information signal is desired. If recording is not desired, the incoming video is continued to be saved in buffer 214 until an affirmative decision to record the video signal is made. [Stepp, 5:19-27.]

In the event that recording of the video signal is desired, the video signal may be recorded at step 322 from buffer 214 to recording storage device 215 from the start or beginning of the information signal. Under this arrangement, the decision to record the information signal (step 320) may be delayed for a duration after the start time at which the information signal was received at step 310. [Stepp, 5:31-35.]

The video signal in its entirety is then stored on recording storage device 216 for later viewing by a user of buffering system 200. At an appropriate time, the user may view the video signal by decompressing the video signal (if previously compressed) and displaying the video signal on display 114 from recording storage device 216 at step 328. [Stepp, 4:59-65.]

Until required by the computer system, the set of instructions may be stored in another computer readable memory such as auxiliary memory 106 of FIG. 1, for example in a hard disk drive or in a removable memory such as an optical disk for utilization in a CD-ROM drive, a floppydisk for utilization in a floppy disk drive, a combination magnetic and optical disk for utilization in a combination magnetic and optical disk drive, or a personal computer memory card for utilization in a personal computer card slot. Further, the set of instructions can be stored in the memory of another computer and transmitted over a local area network or a wide area network, such as the Internet, when desired by the user. [Stepp, 6: 9-17.]

In these passages and the surrounding text, Stepp is describing: recording into a buffer from the start of a program, if the program is decided to be taped by a user, then recording the program, including the portion saved in the buffer onto a recording storage device. The device begins recording without direct user input from a start indicator associated with a video signal [see Stepp:1:51-53; 4:41-44; 5:9-24; FIG. 3] to an endpoint of the video signal [see Stepp:45-65.] As the user only watches pre-recorded video, there is no reason to ever need to then record

a section of the video again if a user were to stop the program, as the video is already being watched from a recorded version.

Thus, Stepp strongly teaches away from the claimed combination of “receiving actuation of the delay control via the user interface, ... delaying display of the program; and compressing and saving the program to a circular buffer as it is received.”

Dunn, also, neither teaches nor recites the claimed combination of “receiving actuation of the delay control via the user interface, ... delaying display of the program; and compressing and saving the program to a circular buffer as it is received.” Dunn describes pausing a video-on-demand video, and then resuming it, with the video itself pausing at the head end server. [See Dunn 3:8-13, 4:36-65.] Dunn not only doesn’t discuss “compressing and saving the program to a circular buffer as it is received” as is taught in claim 1, but has no need to ever “compress and save to a circular buffer” as the video in Dunn is stopped and resumed at the head-end server. Therefore, Dunn also teaches away from the recited arrangement.

Furthermore, the system of Stepp of recording a video signal into a buffer combined with the mere mention by Dunn of pausing a movie not only does not teach or suggest “receiving actuation of the delay control via the user interface, ... delaying display of the program; and compressing and saving the program to a circular buffer as it is received,” but teaches away, as a someone watching a video using the teachings of Stepp is watching a movie which has previously been saved, and so just pauses a recorded copy of the movie, while a user watching a video using the teachings of Dunn has no need to save the movie locally, as the movie is paused at the headend.

Rangan, either in combination with Stepp and/or Dunn or separately also neither teaches nor suggests the teachings of the claims. Since the cited references fail to teach or suggest the claimed combination in claims 19, 22, and 23, applicants believe the claims are not subject to a 103 rejection and request the objection be withdrawn. As claims 20-21 and 24-31 depend from claim 19, they, too, should be allowed. Such action is respectfully requested.

CONCLUSION

Claims 19-31 should be allowable. Such action is respectfully requested.

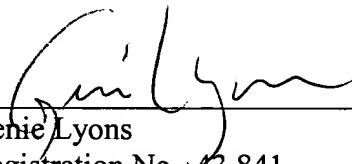
REQUEST FOR AN INTERVIEW

If the Examiner finds that these remarks does not make the application allowable over the cited art, the Examiner is formally requested to contact the undersigned patent agent at (503) 595-8560 prior to the issuance of the next communication to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application will allow the application to be passed to issue. Applicant submits the foregoing remarks so that the Examiner may fully evaluate Applicant's position, thereby enabling the interview to be more productive.

This request is being submitted under M.P.E.P. § 713.01, which indicates that an interview may be arranged in advance by a written request.

Respectfully submitted,

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